

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,        )  
                                      )  
                                      )  
Plaintiff,                        )                                    4:09CR3090  
                                      )  
                                      )  
v.                                 )  
                                      )  
TYREECE JAMAR JSAMES,            )                                    MEMORANDUM  
                                      )                                    AND ORDER  
                                      )  
Defendant.                        )  
                                      )  
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Today, I conferred by telephone with counsel (Ms. Lehr and Mr. Stickman) about the Amended 2011 Retroactive Sentencing Worksheet. The lawyers now agree that Mr. Jsames is not entitled to a reduction in his sentence because the sentence I originally imposed is less than the sentence called for under the most recent retroactive amendment to the “crack” Guidelines.

Defense counsel also brought to my attention a related Bureau of Prisons classification issue. Apparently, it makes a difference to the Bureau of Prisons whether the defendant was involved with 500 grams or more of crack cocaine. That was a disputed issue at the time of the original sentencing, but that issue was never resolved. Accordingly, I will advise the Bureau of Prisons that for classification purposes the record is insufficient to establish that Mr. Jsames was involved with 500 grams or more of crack. The government does not object.

IT IS ORDERED that:

1. The defendant is not entitled to a reduction of his sentence as a result of the most recent retroactive amendment to the crack cocaine Guidelines. The briefing schedule previously set is rescinded.

2. For classification purposes, the Bureau of Prisons is advised that the record is insufficient to establish that Mr. Jsames was involved with 500 grams or more of crack cocaine.
3. The probation officer shall file the amended worksheet in CM/ECF.
4. The Clerk shall mail a copy of this Memorandum and Order to Mr. Jsames and otherwise give notice of the filing of this Memorandum and Order to counsel and the probation officer (Ms. Voss).
5. The Clerk shall deliver a copy of this Memorandum and Order to the United States Marshal.
6. The Marshal shall provide the Bureau of Prisons with a copy of this Memorandum and Order.

DATED this 13<sup>th</sup> day of April, 2012.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge